

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

IRRIGATION & CAD DEPARTMENT – W.P.No..32522/1997 filed by Sri R.Alluri Raju, Work Inspector and 149 others and W.P.No.7428/2008 filed Sri M.Prasad and 11 others, Stores Division, Dam Maintenance Circle, Srisailam Project, Kurnool District – Permission to employ the petitioners in both W.Ps. on daily wage basis as per the interim orders of Hon'ble High Court in W.A.M.P.No.2382/2008 in W.A.No.520/2008 in W.P.No.32522/1997 and W.P.M.P.No.9772/2008 in W.P.No.7428/ 2008 – Accorded – Orders – Issued.

IRRIGATION&COMMAND AREA DEVELOPMENT (SER.V.2) DEPARTMENT

G.O.Ms.No. 241

Dated:29-08-2009

Read the following:

1. From A.P. High Court order dt.18.03.08 in W.P.No. 32522/97.
2. Representation from the General Secretary, INTUC Workers Union, NSRSP, Srisailam Dam East, dt.Nil.
3. Govt. Memo.No.10469/Ser.V(2)/2008-1,dt.17-05-2008.
4. From the C.E., NSRSP, Hyd. Lr.No.CE/NSRSP/CE.I/C2/32522/1997, dt.21-05-2008.
5. From the A.P. High Court, Interim Orders, dt.12-06-2008 in W.A.No.520/2008 in W.P.No.32522/1997.
6. From the C.E., NSRSP, Hyd. Lr.No.CE/NSRSP/DCE.I/C2/32522/1997, dt.24-06-2008.
7. Govt. Memo.No.10469/Ser.V(2)/2008-2, dt.11-07-2008.
8. From the A.P. High Court, Interim Orders, dt.16-10-2008 in W.A.M.P.No.2382/2008 in W.A.No.520/2008 in W.P.No. 32522/1997.
9. From the A.P. High Court, Interim Orders dt.23-10-2008 in W.P.M.P.No.9772/2008 in W.P.No.7428/2008.
10. Representation from the Working President, Project Establishment Association,dt.17-02-2009.
11. From the ENC(IW), I&CAD, Hyd., Lr.No.ENC/IW/P&M/EE.3/W2/32522/2008, dt.26-03-2009 and dt.12-06-2009.

ORDER:

Sri R.Alluri Raju, Work Inspector and (149) other workers of Srisailam Project (NSRS Srisailam Project, Srisailam) who were retrenched earlier have filed W.P.No.32522/1997 for posting them in the regular NMR Work Charged Establishment of N.S. Reddy Sagar Project, Dam Maintenance Circle and to regularize their services with back wages and other benefits.

2. In the reference 1st read above, the Hon'ble High Court of A.P. in its order dt.18-03-2008 has disposed off the W.P.No.32522/1997 with the following directions:-

"In view of the above, following the judgment rendered in W.P.No.10045 of 1998 dated 29-8-2003, this Writ Petition is disposed of directing the respondents to reinstate the petitioners into service with continuity of service, but without any back wages and attendant benefits. There shall be no order as to costs."

p.t.o.

3. In the reference 2nd read above, the President, INTUC Workers Union, NSRS Project, Srisaïlam Dam East, also while explaining the details of the case has requested the Govt. to issue necessary orders to take back the workers into service as per the Hon'ble High Court order dated 18-3-2008 in W.P.No.32522/1997.

4. In the reference 4th read above, the Chief Engineer, N.S.R.S. Srisaïlam Project, Hyderabad, has reported that, the Special Govt. Pleader, A.P.High Court, differing with the judgment and preferred to file an appeal in W.P.No.32522/1997 as there is stay orders on the orders of W.P.No's.10045/98 and WA was filed in the W.P.No.10045/08 and the same is pending after issuing the interim stay orders. Accordingly, W.A.No.520/ 2008 was filed against the orders of A.P. High Court dated 18-03-2008 in W.P.No.32522/97 in the Hon'ble High Court and the same was admitted with an interim order of stay. Subsequently, the Hon'ble High Court in its order dt.16-10-2008 disposed off the petition with the following directions:-

"Heard the learned Advocates.

On 4-9-2008, only after hearing the learned Advocates, Interim relief, which had been granted earlier was ordered to be continued. In the circumstances, we do not see any reason to modify the said order. It is however, clarified that if there is work which can be done by daily wagers, it would open to the respondent - employer to employ any of the petitioners, either on temporary basis or on daily wage basis, instead of engaging a new daily wager. It is also clarified that no right of whatsoever type would accrue to a petitioner who is engaged as a daily wager during the pendency of this appeal. The petition stands disposed off. Post this appeal along with W.A.No.393 of 2004."

5. Further, Sri M.Prasad and 11 other workers of the N.S.R.S. Srisaïlam Project have filed W.P.No.7428/2008 for regularization of their services with continuity of service in pursuance of the orders passed by the Hon'ble High Court in W.P.No.32522/1997 dated 18-03-2008.

6. In the reference 9th read above, Hon'ble High Court in its Interim Orders dt.23-10-2008 in W.P.M.P.No.9772/2008 in W.P.No. 7428/2008 has passed the following orders:-

"In a similar matter, being W.A.No.520 of 2008, interim orders were passed by a Division Bench of this court.

Following the same, if there is work which can be done by daily wagers, it is open to the respondent employer to employ the petitioners, either on temporary basis or on daily wage basis,

instead of engaging new daily wagers. However, it is also clarified that no right of whatsoever type would accrue to the petitioners, who are engaged as daily wagers during the pendency of the Writ Petition. Post the Writ Petition along with W.A.No.520/08."

7. In the reference 11th read above, the Engineer-in-Chief (IW), Irrigation and CAD has reported that in his letter dated 29-12-2008 the Superintending Engineer, NSRSP Srisailam has informed that there is sufficient requirement of Work Charged personnel in the Dam Maintenance Circle, Srisailam, the petitioners in the said W.Ps can be engaged in the Circle instead of engaging fresh daily wagers and that there is no need to refer to other Chief Engineers in the matter to consider above petitioners for engaging them on daily wages. At present there are (318) workcharged personnel working in all cadres and the additional requirement is 220 Nos in all cadres. Out of (220) Nos. of the additional requirement, the maintenance works of the dam like Watchman, Gardeners, Man Mazdoor, Woman Mazdoor, etc. can be done by daily wages also. The Chief Engineer, NSRSS Project, Hyderabad has requested for the orders of the Govt. to employ the services of the daily wagers as proposed by the SE Dam Maintenance Circle, Srisailam Project, Kurnool. He has, therefore, requested to communicate the orders of the Govt. for reinstatement of applicants Sri R.Alluri Raju and (149) others in W.P.No.32522/97 and Sri M.Prasad and (11) other applicants in W.P.No.7428/2008. As seen from the list furnished by the Chief Engineer, out of total petitioners (162), (25) petitioners were expired and the available candidates are only (137) petitioners.

8. In the circumstances stated above and after careful examination of the matter, Government hereby permit the Chief Engineer, NSRS, Srisailam Project, Hyderabad to employ the said (137) petitioners in both the W.P.No.32522/97 and W.P.No.7428/2008 on daily wage basis in compliance of the interim orders of Hon'ble High Court in W.A.M.P.No. 2382/2008 in W.A.No.520/2008 dated 16-10-2008 and in W.P.M.P.No. 9772/2008 in W.P.No.7428/2008 if there is work to engage them instead of engaging a new daily wagers if the petitioners are willing to work with a condition that no right of whatsoever type would accrue to them, who are engaged as daily wagers during the pendency of the Writ Appeal No.520/2008 and Writ Petition No.7428/2008.

9. The Chief Engineer, N.S.R.S. Srisailam Project, Hyderabad, shall take necessary action in the matter accordingly.

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10. This order issues with the concurrence of Finance(PC.III) Department, vide their U.O.No.18291/343/A1/PC-III/2009, Dated 03.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Engineer,
N.S.R.S. Srisailam Project, Hyderabad.

Copy to:

The Engineer-in-Chief(IW), Irrigation and CAD Department,
Hyderabad.

The Superintending Engineer, Dam Maintenance Circle,
NSRSSP, Srisailam Dam East, Kurnool.

The General Secretary, INTUC Workers Union, NSRS Srisailam
Project, Srisailam Dam East, Srisailam.

The Working President, Project Establishment Association,
N.S.R.S. Srisailam Project, Srisailam.

// FORWARDED BY ORDER //

SECTION OFFICER